

PATENT
Attorney Docket No. P06272US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of: LUEDTKE, Roy Jr.

For: INBRED MAIZE LINE PH3PV,

the specification of which is being transmitted herewith.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

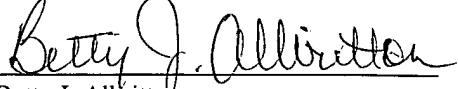
Attached are Forms PTO/SB/08A and 08B (formerly Form PTO-1449) listing the relevant art known to the applicant herein. The Examiner is requested to consider the references and make them of record. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 09/758,604, filed on January 11, 2001. The following references were submitted to, and/or cited by, the Patent Office in the prior application(s) and, therefore, are not required to be provided in this application:

Applicant discloses herewith patents, publications or other information, of which he is aware that he believes may be material to the examination of this application, and in respect of which, there may be a duty to disclose. Legible copies of all items listed in Forms PTO/SB/08A

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CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box NEW APP – FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 24th day of February, 2004



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and 08B (formerly Form PTO-1449) accompany this information statement, except those identified above.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

Respectfully submitted,



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- mlw -

Attorneys of Record

Form PTO 1449-A				ATTY. DOCKET NO. 1333	Application No. 09/758,604		
INFORMATION DISCLOSURE CITATION				Applicant Roy Luedtke, Jr.			
(Use several sheets if necessary)				Filing Date January 11, 2001	Group Art Unit 1638		
U.S. & FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLA SS	FILING DATE
		1 6 0 3 9 0		EP			11/6/85
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
A1		Conger, B.V., et al. (1987) "Somatic Embryogenesis From Cultured Leaf Segments of <i>Zea Mays</i> ", <i>Plant Cell Reports</i> , 6:345-347.					
A2		Duncan, D.R., et al. (1985) "The Production of Callus Capable of Plant Regeneration From immature Embryos of Numerous <i>Zea Mays</i> Genotypes", <i>Planta</i> , 165:322-332.					
A3		Edallo, et al. (1981) "Chromosomal Variation and Frequency of Spontaneous Mutation Associated with <i>in Vitro</i> Culture and Plant Regeneration in Maize", <i>Maydica</i> , XXVI: 39-56.					
A4		Green, et al., (1975) "Plant Regeneration From Tissue Cultures of Maize", <i>Crop Science</i> , Vol. 15, pp. 417-421.					
A5		Green, C.E., et al. (1982) "Plant Regeneration in Tissue Cultures of Maize" <i>Maize for Biological Research</i> , pp. 367-372.					
A6		Hallauer, A.R. et al. (1988) "Corn Breeding" <i>Corn and Corn Improvement</i> , No. 18, pp. 463-481.					
A7		Meghji, M.R., et al. (1984). "Inbreeding Depression, Inbred & Hybrid Grain Yields, and Other Traits of Maize Genotypes Representing Three Eras", <i>Crop Science</i> , Vol. 24, pp. 545-549.					
A8		Phillips, et al. (1988) "Cell/Tissue Culture and <i>In Vitro</i> Manipulation", <i>Corn & Corn Improvement</i> , 3rd Ed., ASA Publication, No. 18. pp. 345-387.					
A9		Poehlman et al., (1995) <i>Breeding Field Crop</i> , 4th Ed., Iowa State University Press, Ames, IA., pp. 132-155 and 321-344.					
A10		Rao, K.V., et al., (1986) "Somatic Embryogenesis in Glume Callus Cultures", <i>Maize Genetics Cooperative Newsletter</i> , No. 60, pp. 64-65					
A11		Sass, John F. (1977) "Morphology", <i>Corn & Corn Improvement</i> , ASA Publication. Madison. Wisconsin, pp. 89-109.					
A12		Songstad, D.D. et al. (1988) "Effect of ACC (1-aminocyclopropane-1-carboxylic acid), Silver Nitrate & Norbonadiene on Plant Regeneration From Maize Callus Cultures", <i>Plant Cell Reports</i> , 7:262-265.					
A13		Tomes, et al. (1985) "The Effect of Parental Genotype on Initiation of Embryogenic Callus From Elite Maize (<i>Zea Mays L.</i>) Germplasm", <i>Theor. Appl. Genet.</i> , Vol. 70, p. 505-509.					
A14		Troyer, et al. (1985) "Selection for Early Flowering in Corn: 10 Late Synthetics", <i>Crop Science</i> , Vol. 25, pp. 695-697.					
A15		Umbeck, et al. (1983) "Reversion of Male-Sterile T-Cytoplasm Maize to Male Fertility in Tissue Culture", <i>Crop Science</i> , Vol. 23, pp. 584-588.					
A16		Wright, Harold (1980) "Commercial Hybrid Seed Production", <i>Hybridization of Crop Plants</i> , Ch. 8: 161-176.					
A17		Wych, Robert D. (1988) "Production of Hybrid Seed", <i>Corn and Corn Improvement</i> , Ch. 9, pp. 565-607.					
A18		Lee, Michael (1994) "Inbred Lines of Maize and Their Molecular Markers", <i>The Maize Handbook</i> Ch. 65:423-432					
A19		Boppenmaier, et al., "Comparisons Among Strains of Inbreds for RFLPs", <i>Maize Genetics Cooperative Newsletter</i> , 63:1991, pg. 90					
A20		Smith, J.S.C., et al., "The Identification of Female Selfs in Hybrid Maize: A Comparison Using Electrophoresis and Morphology", <i>Seed Science and Technology</i> 14, 1-8					
EXAMINER				DATE CONSIDERED			
<small>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.</small>							

Notice of References Cited

 Application/Control No.
 09/758,604

 Applicant(s)/Patent Under
 Reexamination
 LUEDTKE, ROY

 Examiner
 Ashwin Mehta

 Art Unit
 1638

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,124,534	09-2000	Kramer	800/320.100
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

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Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination LUEDTKE, ROY	
		Examiner Ashwin Mehta	Art Unit 1638	Page 1 of 1

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	A	US-5,523,520	06-1996	Hunsperger et al.	800/323.1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
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	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Kraft et al., Theor. Appl. Genet., 2000, Vol. 101, pages 323-326
	V	Eshed et al., Genetics, 1996, Vol. 143, pages 1807-1817
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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Examiner	Art Unit		Page 1 of 1
Ashwin Mehta	1638		

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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
*	U	International Convention for the Protection of New Varieties of Plants, 1991, UPOV Publication No. 438(e), pages 7-8
*	V	Openshaw et al., Proc. Symp. Anal. Mol. Data, August 1994, pages 41-43
*	W	Poethig, R.S., Maize, the plant and its parts, In: Maize for Biological Research, W. Sheridan, Ed., 1982, University of North Dakota Press, Grand Forks, ND, pages 9-18
*	X	Berry et al., Genetics, 2002, Vol. 161, pages 813-821

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Roy Luedtke Jr.

Application No./Patent No.: 09/758,604 Filed/Issue Date: January 11, 2001

Entitled: INBRED MAIZE LINE PH3PV

Pioneer Hi-Bred International, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

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2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

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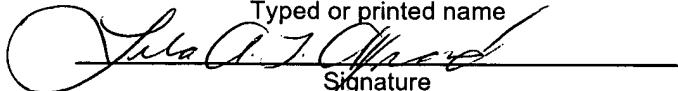
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/24/2004
Date

LILA A. T. AKRAD

Typed or printed name



Signature

Attorney

Title